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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,759	12/14/2000	Roland Lippert	LIPPERT	4096

20151 7590 08/28/2002

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EXAMINER

SICONOLFI, ROBERT

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,759

Applicant(s)

LIPPERT ET AL.

Examiner

Robert A Siconolfi

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,9,10 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,9,10 and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3683

DETAILED ACTION

1. Amendment filed on 6/10/02 has been received.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haenel (U. S. Patent no. 3,954,313) in view of Kruk (U. S. Patent no. 4,798,482)

Haenel discloses :

Single piece inner race 2 with central collar 7 and outer collars 3,4, a one piece outer race 8 with a central collar in a form of a ring 9, cylindrical rolling elements 5,6. Inner race having a lubricating groove with a lubricating bore 15

Haenel does not disclose a t shaped collar. Kruk teaches a t shaped collar (see figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a t shaped collar as taught by Kruk in the bearing setup of Haenel in order to simplify assembly. Haenel uses blind rivets in circumferentially placed locations. This requires for the holes the ring and the outer race to be lined up. With a t shaped ring as taught by Kruk, there is no need to line up holes.

With regard to claims 23, and 24, Haenel, as modified, does not teach coating the ring with a antifriction coating such as PTFE. It would have been obvious to one of ordinary

Art Unit: 3683

skill in the art at the time the invention was made to coat the ring with PTFE since the ring is in contact with the rolling elements as seen in the figure of Haenel and thereby eliminating friction between the ring and the rollers cause heat and wear thus extending the life of the bearing setup. The applicant has requested a citation that the use of PTFE is known to reduce friction. The examiner cites Automotive Handbook by Bosch 3rd Edition page 211 which states that PTFE has a low coefficient of friction and is used for sliding parts. The ring is in sliding contact with the rollers.

4. Claims 6, 9-10, 13-15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haenel (U. S. Patent no. 3,954,313) in view of Kruk (U. S. Patent no. 4,798,482) and further in view of Gibbons et al (U. S. Patent no. 1,970,449).

Haenel, as modified, is relied upon as above in paragraph 3.

Haenel, as modified, does not disclose a slot in the ring. Gibbons et al teaches a slot in the ring (see figures 2 and 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a slot in the ring as taught by Gibbons et al in the bearing setup of Haenel , as modified, in order to ease assembly.

With regard to claims 14, and 15, Haenel, as modified, does not teach coating the ring with a antifriction coating such as PTFE. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the ring with PTFE since the ring is in contact with the rolling elements as seen in the figure of Haenel and thereby eliminating friction between the ring and the rollers cause heat and wear thus extending the life of the bearing setup. The applicant has requested a citation that the use of PTFE is known to reduce friction. The examiner cites Automotive Handbook by Bosch 3rd

Art Unit: 3683

Edition page 211 which states that PTFE has a low coefficient of friction and is used for sliding parts. The ring is in sliding contact with the rollers.

5. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haenel, as modified, as applied to claims 1 and 9 above, and further in view of Reiter (U. S. Patent no. 4,336,971).

Haenel, as modified, is relied upon as above. Haenel, as modified, does not disclose sealing elements on the outer collars of the inner race. Reiter teaches sealing elements on the outer collar of the inner race (see seals 66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have sealing elements on the outer collar of the inner race as taught by Reiter in the bearing setup of Haenel, as modified, in order to prevent dirt and debris from entering thus causing damage to the bearings.

Response to Arguments

6. Applicant's arguments filed 6/10/02 have been fully considered but they are not persuasive. The applicant argues that the combination of Kruk and Haenel is not obvious mainly because the ring of Kruk does not contact the rollers. The examiner respectfully disagrees. If Kruk were to contact the rollers, then the reference would be the basis for a 102(b) rejection. Kruk is merely used to teach that a t shaped ring is possible. The applicant also argues that there is no motivation in Haenel to combine. If Haenel disclosed that, instead of a multi piece ring, a one piece t shaped ring could be used, then Haenel would be a 102(b) reference.

Art Unit: 3683

Applicant further argues that the combination of the Gibbons with Haenel and Kruk is based on hindsight. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). It is the examiner's position that using split rings for assembly purposes is within the level of ordinary skill in the art.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3683

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Siconolfi whose telephone number is (703) 305-0580. The examiner can normally be reached on M-F 9 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Robert A Siconolfi
Examiner
Art Unit 3683

RS
August 26, 2002


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
8/26/02